

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                    )  
                                  )  
vs.                            )      Case No. 3:21-cv-887-DWD  
                                  )  
JOSHUA W. EVERETT,            )  
MARIE R. ELLIOTT, and        )  
ILLINOIS HOUSING DEVELOPMENT )  
AUTHORITY,                    )  
                                  )  
Defendants.                    )

MEMORANDUM & ORDER

**DUGAN, District Judge:**

Plaintiff United States of America filed a complaint against Defendants Joshua W. Everett, Marie R. Elliott, and the Illinois Housing Development Authority ("IHDA") seeking a judgment of foreclosure. (Doc. 1). On August 4, 2021, Plaintiff sent a waiver of service to Everett, who signed it on September 7. (Doc. 5). Plaintiff also filed proofs of service indicating that it served Elliott and IHDA on September 28, 2021. (Docs. 8 & 9). On October 27, 2021, after Defendants failed to appear, Plaintiff moved for entry of default against Defendants. (Doc. 10). A Clerk's entry of default was made on October 28, 2021 (Doc. 11), and Plaintiff filed a motion for default judgment against Defendants on January 7, 2022. (Doc. 13).

On February 9, 2022, the Court set aside the entry of default and denied Plaintiff's motion for default judgment because it found that there was insufficient evidence that IHDA had been properly served. (Doc. 14). Plaintiff's proof of service did not indicate

that the United States Marshals Service had served a chief executive officer, president, clerk, or other officer at IHDA as required by Federal Rule of Civil Procedure 4(j) and Illinois state law. (Doc. 8). The next day, Plaintiff filed a response to the Court's order and attached a copy of an email that the United States Marshals Service sent to Sharon Hunley, a legal department administrator at IHDA, on September 27, 2021, asking if she could accept service on behalf of IHDA. (Doc. 15-1). On September 28, Hunley replied and accepted service on behalf of IHDA. (Doc. 15-1).

Considering the original proof of service (Doc. 8) and the email exchange with Hunley (Doc. 15-1), the Court finds that Plaintiff properly served an officer at IHDA as required by Rule 4(j) and Illinois state law on September 28, 2021. IHDA has failed to appear, file a pleading, or otherwise respond to Plaintiff's complaint. Therefore, Plaintiff is entitled to an entry of default against all three defendants. The Clerk of Court is **DIRECTED** to enter default against all defendants. Thereafter, Plaintiff may file a motion for default judgment.

**SO ORDERED.**

Dated: February 16, 2022



The image shows a handwritten signature of "David W. Dugan" in black ink, positioned above the official seal of the United States District Court for the Southern District of Illinois. The seal is circular with a decorative border. The outer ring contains the text "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF ILLINOIS" at the bottom. In the center of the seal is an eagle with spread wings, holding a shield and a sword, with a small globe in its talons.

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DAVID W. DUGAN  
United States District Judge